

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, APRIL 11, 2002
8:15 A.M.**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 8:37 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, APRIL 4, 2002

MOTION: Heier moved and Hudkins seconded approval of the Staff Meeting minutes of April 4, 2002. Hudkins, Stevens, Workman and Heier voted aye. Campbell abstained from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Laptop Computers for the County Commissioners' Office

MOTION: Hudkins moved and Stevens seconded approval of the addition to the agenda. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A), noting the following:

- The Legislature passed LB 1309 (change certain appropriations) with budget cuts totaling \$43 million and Governor Johanns vetoed an additional \$74 million. The Appropriations Committee recommended to override the veto in a number of areas (county reimbursement for indigent defense, Probation services, Medicare, jail reimbursement and Developmental Disabilities). The Governor's 25% cut in aid to counties was not included. Lancaster County is estimated to lose approximately \$250,000.
- Governor also vetoed LB 1085 (change provisions relating to taxation on services, income and property as prescribed). Legislature will take up the motion to override the veto today.

In response to a question from Dave Kroeker, Budget and Fiscal Officer, Kissel said LB 640 (renames grants and provides for a county aid program under the Juvenile Services Act) funding cuts only impact the current year.

Kissel said Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates, will meet with department heads on a regular basis and will communicate information from those meetings to the Appropriations Committee.

Board consensus was to schedule a work session on the budget, following the legislative session.

4 ATTORNEY PROMOTIONS - Gary Lacey, County Attorney

Gary Lacey, County Attorney, said he would like to promote six individuals in his office from Attorney I to Attorney II (Exhibit B).

Lacey noted that recruitment of minorities was discussed at the Management Team Meeting and suggested recruiting for minority professional staff in the eastern part of the United States.

Workman said he would prefer to encourage local minorities to enter the legal profession.

Gwen Thorpe, Deputy Chief Administrative Officer, said current employment is fairly reflective of the available labor pool.

5 MOTOR VEHICLE PURCHASES - Bill Jarrett, Chief Deputy Sheriff

Bill Jarrett, Chief Deputy Sheriff, said the Ford Motor Company is offering the 2003 Crown Victoria's at the 2002 price. He said his department included eight Crown Victoria Police Interceptors in the Fiscal Year 2002/03 Budget and said he is seeking an assurance from the Board that these will be approved so that he can place the order by the June, 2002 deadline. Delivery of the vehicles and payment will not occur until the 2003 budget year.

Hudkins asked whether the Sheriff's Office is willing to commit remaining fund balances towards the purchase.

Jarrett said there should be \$10,000 remaining the motor vehicle budget that could be rolled over. He said there will probably be a deficit in the overall budget, due to personnel costs.

Board members indicated that they are unable to make any budget commitments.

ADDITIONS TO THE AGENDA

A. Laptop Computers for the County Commissioners' Office

Stevens suggested that consideration be given to purchasing two laptop computers for the County Board and its staff, if there are funds remaining in the Microcomputer Fund at the end of the fiscal year.

6 BELTWAY UPDATE - Roger Figard, City Engineer; Don Thomas, County Engineer

Roger Figard, City Engineer, said the agreement between the City of Lincoln, County of Lancaster and State of Nebraska Department of Roads for the design and construction of the South Lincoln Beltway states the following:

- The partners agree to jointly pursue and obtain "special project funds" for 80% of the cost of the South Beltway Project
- The City will provide the remaining 20% match
- The State agrees to oversee the design and construction and will add the South Beltway to the highway system at Nebraska Highway 2 (see map in Exhibit C)
- The State will relinquish portions of Highway 2, West Van Dorn and Warlick Boulevard to the City and County that are within their respective jurisdictions (see map in Exhibit C)
- The partners will lobby for funds to convert the West Beltway (Highway 77) from an expressway to a freeway

Figard said once the Record of Decision on the South and East Beltway is received, a plan of action will need to be developed on how to lobby to secure the federal funds.

In response to a question from Stevens, Don Thomas, County Engineer, said the gap in paving on South 40th Street, south of Yankee Hill Road, will be filled in this summer.

Hudkins said another interchange is needed in the first three miles of the East Bypass, south of "O" Street. He also reported that Denton Road is not marked at Highway 77.

Thomas agreed to follow-up on the matter.

7 CHANGE ORDER NO. 6; INTEGRATOR SECURITY SYSTEM - Chris Beardslee, Sinclair Hille & Associates Inc.; Dennis Banks, Lancaster County Juvenile Detention Center Director; Greg Pettibone, Lancaster County Juvenile Detention Center Project Manager

Change Order No. 6

Chris Beardslee, Sinclair Hille & Associates Inc., reviewed a summary of Change Order No. 6 items (Exhibit D) and said the total cost, if all are accepted, is \$15,574.

In response to a question from Workman, Beardslee said the labor will be provided by Cheever Construction Company and the subcontractors. He said labor for the cabling may be less expensive outside of the contract.

Hudkins questioned the decision to remove the sprinkler heads in the mechanical closets, as piping was installed in these areas and the credit was minimal.

Beardslee explained that a larger credit was anticipated.

Hudkins asked whether the sprinkler heads were retained as spare parts.

Beardslee said no, they were returned for credit.

In response to a question from Campbell, Beardslee said everything has been completed, with the exception of grass seeding and landscaping outside the facility.

Hudkins noted inconsistencies in the paint work and asked whether funds were retained to insure that the painting contractor corrects the problems.

Beardslee said the paint was acceptable at the time of occupation.

Heier said paint touch up by staff apparently created the problem.

Hudkins said staff has pointed out areas to him that were caused by differences in the paint lot.

The Board asked Dennis Banks, Lancaster County Juvenile Detention Center Director, and Greg Pettibone, Lancaster County Juvenile Detention Center Project Manager, to follow up with staff.

In response to a question from Heier, Banks, said infrastructure in the empty housing pod has been thoroughly tested.

Hudkins reported that the contract that the Nebraska Department of Health and Human Services (HHS) proposed for a Level V treatment program for 10 youth may be in jeopardy, due to legislative cuts.

Integrator Security System

Pettibone reviewed a list of changes that have been requested in the security system, noting a total cost \$9,077 (see agenda packet).

Maintenance

Banks said the intent is to maintain a clean environment and said there are provisions for regular inspections (Exhibit E).

8 CORRECTIONS WORK CREW FOR ROAD CLEAN-UP; INTERCOM TOUCH-SCREEN REPLACEMENT; INTERLOCAL AGREEMENT WITH CITY - Mike Thurber, Corrections Director

Corrections Work Crew for Road Clean-Up

Mike Thurber, Corrections Director, said he is having difficulty finding part-time employees to supervise the road clean-up crews and will try to use on-call staff.

Campbell suggested that Thurber contact Harry Heafer, Clean Community System Coordinator, to see whether the program would qualify for a Clean Environment Grant. She also suggested that he contact the Retired Senior Volunteer Program (RSVP) to see whether there are any retired law enforcement officers that would be willing to supervise the crews.

Intercom Touch-Screen Replacement

Thurber reported that the seven touch-screen intercom units and the controlling unit are wearing out and said it is difficult to find replacement parts. He estimated the cost of new software, programming and equipment at \$200,000.

Campbell suggested looking at a Nebraska Association of County Officials (NACO) lease purchase and said it could be folded into the bond when the facility is renovated.

Thurber noted that a Request for Proposals (RFP) for the inmate telephone system is being developed and said companies that submit proposals will sometimes offer to make funds available for other renovations.

Interlocal Agreement with City

Thurber said the City lodged three offenders in the jail in 2001 that were injured during arrest. Although the offenders received medical treatment before being arrested and jailed, additional medical treatment was required with bills totaling \$12,000. The City refuses to pay these bills, holding that the County is responsible for medical necessity costs under the terms of the interlocal agreement. Thurber noted that this contradicts LB 112 (provide for the responsibility for payment of costs of medical services for individuals who are arrested, detained or taken into custody), which was passed during the 1999 legislative session.

Eagan said Tom Casady, Chief of Police, has suggested an adjustment of the base rate, but said the Sheriff's Office and State Patrol already pay medical costs for offenders injured in their custody. He said insurance was also suggested as a solution, but said UNICO Group, Inc. has advised the County that there is none available to cover this type of risk.

MOTION: Heier moved and Campbell seconded to authorize Kerry Eagan, Chief Administrative Officer, to write a letter to Mayor Wesely indicating that the County will pay the outstanding bills but would like to rewrite the interlocal agreement to address the issue. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

9 FAMILIES FIRST AND FOREMOST (F³) STAFFING - Sheryl Schrepf, Juvenile Mental Health Director; Renee' Dozier, Director of Service Development

Sheryl Schrepf, Juvenile Mental Health Director, requested authorization to move ahead with establishing four positions within the Lancaster County Department of Juvenile Mental Health in the Lancaster County personnel system (Exhibit F):

- Office of Juvenile Mental Health/Office of Juvenile Services (OJS) Coordinator I and II (2 FTE's)
- Clerk Typist II (1 FTE)
- Office of Juvenile Mental Health Resource Specialist (1 FTE)

Schrepf noted that the OJS Coordinator I and II are Child Guidance employees and said there is a perception of conflict of interest because Child Guidance is also performing OJS evaluations.

In response to a question from Heier, Schrepf said the State's budget cuts will not impact the OJS evaluations.

Schrepf said Families First & Foremost (F³) would also like to move the following positions, currently under contract with Child Guidance, to Lancaster County employment under the Office of Juvenile Mental Health:

- Director of System of Care (1 FTE)
- Director of Service Development/Administration (1 FTE)
- Executive Assistant (1 FTE)

New Positions in Fiscal Year 2002-03

- Intake Coordinator (1 FTE)
- Provider Network/Utilization Review (1 FTE)
- Computer and Geographic Information System (GIS) Records Assistant I (1 FTE)

Schrepf said the new positions are the result of expansion of the Nebraska Department of Health and Human Services (HHS) contract.

In response to a question from Dave Johnson, Deputy County Attorney, Schrepf said the intent had been to move Kathy Dunning and Trish Blakely's Healthy Family Project positions under a 501C3 (non-profit organization) but said that won't happen for another six to nine months.

Board consensus was to move forward with the positions where there is a potential conflict of interest, but to extend the contractual agreement with Dunning (Office of Juvenile Mental Health Resource Specialist) rather than move her to County employment.

Schrepf said HHS has asked F³ to coordinate evaluations for the eastern service area. She said this will require amendment of the existing contract to expand the geographical area, expand the time frame of the contract and increase funding. Schrepf noted that any contract savings will go back into system of care.

Heier asked that Region V be notified, as a matter of courtesy.

The Board asked Schrepf to draft a letter to Region V, for signature by her and the Chair.

Schrepf said HHS has also asked F³ to expand wraparound services to an additional 200 families in southeast Nebraska. She said HHS is currently spending \$4 million to serve these families and will want to contract at the 95% level. Any contract savings will remain in the system of care. Schrepf said the budget includes six months of upfront administrative costs.

Johnson said the issue of utilizing petty cash to provide immediacy of rewards when youth meet goals remains a concern. He said legally the County cannot meet this requirement.

Schrepf said F³ spends approximately \$480 in petty cash, per month, to meet this need. The County Clerk's Office handles the remainder of the flex funds for F³.

Tim Genuchi, Accounting Operations Manager for the County Clerk's Office, appeared and explained that the contract may triple the work involved in administering flex funds.

Schrepf said the cost to the County needs to be assessed as the project expands.

Hudkins asked whether the County could contract with a third party for administration of the funds.

Johnson said no, explaining that the County cannot contract for something that it is not authorized by the Nebraska Revised Statutes to do.

10 EXCEPTIONAL CIRCUMSTANCE AWARD AND EXPENSE

REIMBURSEMENT POLICY - Diane Staab, Deputy County Attorney; Bruce Medcalf, County Clerk; Terry Wagner, Lancaster County Sheriff

Exceptional Circumstance Award

Diane Staab, Deputy County Attorney, explained that an exceptional circumstance award in the amount of \$700 is proposed for an employee at the Lancaster County Juvenile Detention Center who was forced to take a pay cut when staffing was restructured. The amount will compensate the employee for the salary difference for a six month period.

Expense Reimbursement Policy

Staab said the issue of how County Resolution 02-13 (adopted a policy governing the expenditure of public funds for payment or reimbursement of actual and necessary expenses incurred by county elected officials, appointed officials, employees and volunteers) applies to extraditions has been worked out with the Sheriff's Office. The department may require receipts, rather than applying the per diem rate. She recommended that time limitations for meals be deleted from the resolution to address the issue of shift employees that don't eat meals at normal times.

Stevens suggested that departments may want to utilize an "honor system" for expense reimbursement, up to the per diem rate. Employee could sign statements certifying the amount spent rather than submitting receipts.

Terry Wagner, Lancaster County Sheriff, said, from a public accountability standpoint, employees should only be reimbursed for the amount they spend.

Staab said the Nebraska Revised Statutes allow for use of a per diem.

Campbell suggested the addition of following language: *Receipts can be required at the discretion of the department head.*

The Board asked Staab to draft amendment language for the Board's review.

11 INDUSTRIAL AND COMMERCIAL DEVELOPMENT IN THE COUNTY - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, offered the following amendment language for the Development in Lancaster County, Outside of Lincoln section of the Lincoln and Lancaster County 2025 Comprehensive Plan (Exhibit G):

Unforeseen development opportunities for the community may arise during the planning period which were not foreseen during the development of this comprehensive plan. There may be unique and unexpected situations where a non-agricultural employment use is proposed at a location not located in a town or village or anticipated in the Comprehensive Plan. Under such circumstances, the County Board may wish to provide for appropriate light industrial and small business in the rural areas outside of the Lincoln growth areas. Such development should respect the vision and spirit of this plan.

Hudkins said he wants language in the Comprehensive Plan to indicate that there is a way to expedite the process, but wants to avoid the appearance of "spot zoning".

DeKalb said "spot zoning" is a legal term established by case law that will stand on its own. He said the County Zoning Resolution only provides for a Change of Zone or Special Permit, both of which take 60 to 90 days. Any zoning action is required by the Nebraska Revised Statutes and County Zoning Resolution to have Planning Commission hearings and recommendation. Conditional Use is the only other option available, in which a use can go in "by right", if it meets pre-set conditions. DeKalb said it is anticipated that Lincoln's Zoning Ordinance and Lancaster County's Zoning Resolution will be updated after the Comprehensive Plan is approved and said that would be the appropriate place to include a provision that addresses special circumstances.

Hudkins suggested elimination of the word "light" in front of "industrial" and "small" in front of "business".

Campbell said it would give a different connotation to the statement and said the statement should follow the statement: *All new commercial and industrial development will be within Lincoln or the incorporated communities.*

Campbell said she is concerned with the unpredictability of allowing industrial and business use in the rural areas and said she does not want to take a landowner's lifetime investment in the land away. She said infrastructure is also key to large development, including transportation corridors.

Hudkins said he wants a mechanism to allow for consideration and said his intent is not to eliminate the Planning process, just expedite it.

DeKalb cautioned against creating a "green light" for requests and said there is potential to "hemorrhage direction of support, infrastructure and tax base to the thirteen communities of the County." He added that farmland is always going to be less expensive than land in town.

Hudkins said he believes the current language is too restrictive.

Board consensus was to continue to work on amendment language.

12 ACTION ITEMS

- A. Appreciation Awards for Substance Abuse Steering Committee (Eight (8) Awards @\$25/Award)

MOTION: Heier moved and Stevens seconded approval. Campbell, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

Hudkins exited the meeting at 9:24 a.m.

B. Agreement with Marsh USA, Inc. for Release of Claims Data

MOTION: Campbell moved and Stevens seconded to authorize the Chair to sign the document on behalf of the County Board. Stevens, Workman, Heier and Campbell voted aye. Hudkins was absent from voting. Motion carried.

Hudkins returned to the meeting at 9:26 a.m.

C. Microcomputer Requests:

1. C#2002-141 from Clerk of the District Court for \$1,304.47 from the Microcomputer Fund for One (1) Compaq Computer
2. C#2002-142 from County Treasurer for \$8,363.44 from the County Treasurer's Budget for Six (6) Compaq Computers and One (1) Flat Screen Monitor
3. C#2002-145 from Juvenile Grants/Families First & Foremost (F³) for \$6,025.06 from the Juvenile Grants/F³ Budget for 15 Novell, Microsoft WIN2000, Microsoft SQL and Lotus Notes Licenses

MOTION: Hudkins moved and Stevens seconded approval. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

13 CONSENT ITEMS

- A. Vacation Request from Kit Boesch, Human Services Administrator, for April 25, 26 and 29, 2002

MOTION: Campbell moved and Stevens seconded approval. Campbell, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

14 ADMINISTRATIVE OFFICER REPORT

- A. Votronic Voter Terminals and Equipment from Election Systems and Software Invoice for \$24,386.75; Appropriate Budget for Funding

Dave Kroeker, Budget and Fiscal Officer, suggested utilizing funds in the Keno Fund to fund the purchase of equipment.

MOTION: Hudkins moved and Campbell seconded to schedule a public hearing on use of Keno Funds on the April 16, 2002 County Board of Commissioners Meeting agenda. Campbell, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

B. Community Mental Health Center Staff Development Day and Related Agreements

Dean Settle, Community Mental Health Center Director, appeared and explained that the center will remain in operation but said it will provide an opportunity for the majority of staff to spend the day together in training. He estimated that costs (facility rental, catering and speakers) will total \$5,000 and said there is over \$10,000 remaining in the training budget.

15 COMMISSIONERS MEETING REPORTS

A. Meeting with Mayor Wesely - Heier, Workman

Heier and Workman reported that the Nash Finch Building and City/County website were discussed.

The Board scheduled a work session on April 30, 2002 at 9 a.m. which will include presentations on the Nash Finch Building and the north parking garage. A work session on the County-City Building Master Plan will be scheduled in the future.

Workman reported that the list of candidates for the position of Administrative Assistant to the Mayor/Economic Development has been narrowed to four and interviews have been scheduled.

B. Parks & Recreation Advisory Board - Campbell

Campbell said a citizen appeared and voiced concerns about money that has been spent on the Centennial Mall fountains. She said a report was received on the city golf courses and said the intent is to get all of the city golf courses off city water. Campbell also reported on the donation of land for a new park at 98th and Adams Street (Exhibit H) and the Holmes Lake Restoration Project.

C. Joint Budget Committee - Campbell, Stevens

Stevens said discussion focused on the Malone Community Center.

D. Community Services Implementation Project (C-SIP) - Campbell, Stevens

Campbell reported that the group is working on structure and a membership concept to draw in local foundations.

E. Region V Governing Board Executive Committee - Heier

Heier said he was questioned about his recommendation to the County Board that Lancaster County seek an alternative to Region V. He said the issue of (OJS) evaluations was raised again and said an item involving OJS and Ron Ross, Nebraska Department of Health & Human Services (HHS) Director, was scheduled on the agenda. An Executive Session was called when that item came up and he was asked to leave the meeting. Heier voiced an objection and requested a legal opinion, but was told an opinion would be costly. He was advised to seek an opinion from the Lancaster County Attorney's Office but declined and left under objection. Heier said he met with Ross and Doris Karloff, Region V Executive Committee Chair, the next day and reached an agreement, which he said will be discussed in another session.

Eagan questioned the validity of the Executive Session.

Campbell said she is concerned with the legality of asking a Region V Governing Board member to leave a meeting of that body.

MOTION: Stevens moved and Hudkins seconded to request a County Attorney's opinion with regards to the exclusion of Commissioner Heier from an Executive Session called at the Region V Governing Board meeting and to request a copy of the minutes of that meeting. Campbell, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

F. Public Building Commission - Campbell, Hudkins

Hudkins reported that the north parking lot proposal was discussed. He said a special meeting was also held to discuss the County-City Building Master Plan.

G. Board of Health - Hudkins

Hudkins said an urban rooster noise ordinance was passed.

16 ADJOURNMENT

MOTION: Heier moved and Stevens seconded to adjourn the meeting at 12:37 p.m. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk